

In re Patent Application of:
BORDEN LARSON ET AL
Serial No. 10/689,557
Filing Date: 10/20/2003

Remarks

Applicant and the undersigned would like to thank the Examiner for his consideration and guidance provided in the examination of this application, for the telephone interview of March 1, 2003, for the allowance of Claims 1-5 and 17, and for the allowability of claims 7, 10 and 13. Claims 1-19 remain in the case.

Claims 6, 8, 9, 11, 14-16, 18 and 19 were rejected under 35 USC §102 as being anticipated by US Patent No. 2,997,188 to Hauser. To more clearly define the invention that distinguishes over the teachings of Hauser '188 and as guided by the Examiner, independent Claims 6, 11, 18 and 19 are herein amended to include a tow rope having a proximal end rigidly attached to the horizontal portion of the support structure, the tow rope further having a distal end configured for towing the performer.

The claimed invention clearly distinguishes over the known prior art. With regard to the teachings of Hauser '188, the focus should not be on teachings of the Applicants. One of skill in the art looking to develop a sports vessel for towing a water skier or wakeboarder would not look to a "load handling boat" for guidance. That person of skill in the art would be expected to obtain reasonable success for any modification to the teachings of the reference to produce beneficial results. In the mechanical arts, it is reasonable to assume that every structural element within a claimed structure can be found somewhere. Any rejection using the Hauser '188 teachings can only be based on

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hindsight. Independent Claims 6, 11, 18 and 19 are now felt to distinguish over the prior art. Further, dependent Claims 8, 9 12, and 14-16 add yet additional limitations to their related independent claims and are therefore felt to further distinguish over the prior art.

Applicant respectfully submits that all the claims in the case are in a condition for allowance, and passage to issue is respectfully solicited. The Applicants and the undersigned would like to again thank the Examiner for his guidance and efforts provided in the examination of this application. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



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